

KIMBERLEY A. ROBINSON,

Plaintiff,

v.

COUNTRYWIDE HOME LOANS, INC.,
COUNTRYWIDE HOME LOANS SERVICING
LP, and BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWMBS 2005-R1

Defendants.

CIVIL ACTION NO. 2:08-cv-01563

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), defendants Countrywide Home Loans, Inc., Countrywide Home Loans Servicing LP, and Bank of New York as Trustee for the Certificateholders of CWMBS 2005 R-1, by and through their undersigned attorneys, hereby move to dismiss Plaintiff's Second Amended Complaint with prejudice.

The grounds for this Motion are set forth in the accompanying Memorandum of Law.

Respectfully submitted,

/s/ Martin C. Bryce, Jr.

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and Bank of New York as Trustees for the
Certificateholders of CWMBS 2005-R1*

Dated: May 20, 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT, on this 20th day of May, 2009, a true and correct copy of the foregoing Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint was served via ECF filing and First Class Mail, postage prepaid, upon the following:

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